



## POLICY DOCUMENT

17.63.1

<b>Policy Name</b>	<b>CONDITIONAL DRY ZONE EXEMPTION</b>
<b>Policy No.</b>	17.63.1
<b>Version:</b>	2
<b>Strategic Reference:</b>	
<b>Responsible Department:</b>	Environment & Infrastructure
<b>Policy Adopted:</b>	20 March 2023
<b>Last revised date:</b>	16 July 2018
<b>Minute reference:</b>	CO 23/046
<b>Next review date:</b>	Council will endeavour to review this policy 4 years after adopted date or following significant change to legislation or aspects included within this policy.
<b>Applicable Legislation:</b>	Liquor Licensing Act 1997, Section 131
<b>Related Policies:</b>	
<b>Related Documents:</b>	

### 1. INTRODUCTION

Section 131 of the Liquor Licensing Act 1997 provides for the prohibition of the consumption or possession of liquor in a specified public place, or a public place of a specified kind (the dry zone legislation). The prohibition may be absolute or conditional and may operate continuously or at specified times.

The purpose of the dry zone legislation is to curb alcohol related problems including anti-social behaviour in public areas such as reserves, main shopping precincts, car parks and foreshores. Dry zone notices may be displayed to delineate specific areas set aside for family enjoyment and recreation, free from intimidation or disturbance from persons affected by alcohol.

A dry zone within the City of Port Lincoln was declared by a notice published in the Liquor Licensing (Dry Areas) Regulations 2012. On 5 January 2015 all existing dry zones State-wide previously declared by these Regulations were transferred to a single gazette notice and the Regulations were repealed.

The area within the City of Port Lincoln affected by the dry zone is set out in the map attached to this policy and applies to publicly owned land only.

Within the declared area the consumption and possession of liquor is a continuous prohibition except for authorised events. These events are exempt from the dry zone prohibition when authorised by the City of Port Lincoln, where:

- (a) the event held within the area is of historic, cultural, traditional or major community significance or *showcases local and/or regional produce and culture* or promotes tourism; and

- (b) the consumption and possession of liquor within the area (or a defined portion of the area) are authorised for a specified period during the event by the City of Port Lincoln.

The current scope and number of exemptions from the dry zone prohibitions may be amended by an application from the City of Port Lincoln to the Office of Consumer and Business Services. This would require a lead time of at least 6 months to enable community consultation and a minimum of a further 4 months for the Office of Consumer and Business Services to consider the proposal.

An Exemption from the dry zone prohibitions authorised by Council does not preclude the holder from obligations under the Liquor Licensing Act 1997 to obtain a liquor licence for an event or activities associated with the event.

## **2. PURPOSE**

The objective of this policy is to define:

- the criteria to be considered by Council when considering authorisation of an exemption from the dry zone prohibition in accordance with the exceptions noted above; and
- the information required to be provided as part of an application for exemption from the dry zone prohibition.

## **3. GUIDING CRITERIA FOR AUTHORISATION OF EXEMPTION FROM THE DRY ZONE PROHIBITIONS**

3.1. The following criteria will be applied in Council's consideration of applications for authorisation of a dry zone exemption:

- 3.1.1. The event should showcase local and/or regional produce and culture with the aim of involving the community and encouraging future economic development.
- 3.1.2. Alcohol related sponsorship details should be confined to promotional materials and activities related to licensed premises within the event. (NOTE: an "event" means the overarching event; "activities" means mini events held within the boundaries (physical or otherwise) of the event.)
- 3.1.3. Event management arrangements must demonstrate responsible management of consumption and possession of alcohol within the designated area.
- 3.1.4. Family friendly events are preferred, with community safety as a high priority.
- 3.1.5. Events will include food or entertainment as options to the consumption of alcohol.
- 3.1.6. Compliance with Council By-laws, relevant Policies and legislation.
- 3.1.7. Authorisation of a Dry Zone Exemption is subject to the granting of a Liquor Licence under the Liquor Licensing Act 1997. Where a Liquor Licence is not obtained, the exemption where authorised, will be automatically revoked.

## **4. REQUIRED INFORMATION**

The information set out below is required to enable Council to make an informed decision regarding the merits or otherwise of an application for exemptions from dry zone prohibition. All applications will be considered, however. Council may refuse an application where the required information is not provided or is provided with insufficient detail.

- 4.1. A request for a dry zone exemption should be made in writing by the applicant to Council at least 90 days before the dry zone exemption is required.
- 4.2. The request must address the criteria set out in Item 3.1 of this Policy.
- 4.3. The request must be accompanied by the following information:
  - 4.3.1. Date/s of the function or event.
  - 4.3.2. Applicable times (Note: events are unlikely to be granted exemption beyond 1am)
  - 4.3.3. Event objective, description/profile and details of activities proposed.
  - 4.3.4. The name and contact details of a nominated person responsible for the event and who will be in attendance during the event.
  - 4.3.5. Details of application to the Liquor Licensing Commissioner for a liquor licence under the Liquor Licensing Act 1997, including a crowd control plan developed in conjunction with Port Lincoln Police that shows (but is not limited to) details of:
    - Security to be employed (eg security firm, number of personnel, cameras etc).
    - Management of under-age service to minors or intoxicated persons.
    - Access and egress points to the event or activities shown on a locational plan with the aim of discouraging incoming and outgoing alcohol.
  - 4.3.6. A detailed locational plan or diagram clearly defining the area that is to be the subject of the dry zone exemption including contextual information (eg street names, landmarks etc) that assists Council to identify the proposed location for the event.
  - 4.3.7. Community Events Permit from the City of Port Lincoln.
  - 4.3.8. A risk assessment pertaining to the dry zone exemption application.
  - 4.3.9. Details of third party input of sponsorship resources, funding, secondary events or similar.
  - 4.3.10. Type of entertainment (if applicable) and evidence that the applicant has liaised with surrounding residents or business and addressed any reasonable concerns raised.

## **5. DRY ZONE EXEMPTION ASSESSMENT PANEL**

- 5.1. All requests for a 'Dry Zone Exemption' shall be presented to a meeting of the Dry Zone Exemption Assessment Panel to be called by the Council's Manager Development and Regulatory. The Panel will comprise of representatives from:
  - Port Lincoln Police
  - Port Lincoln Aboriginal Health Services
  - Port Lincoln Chamber of Commerce and Tourism

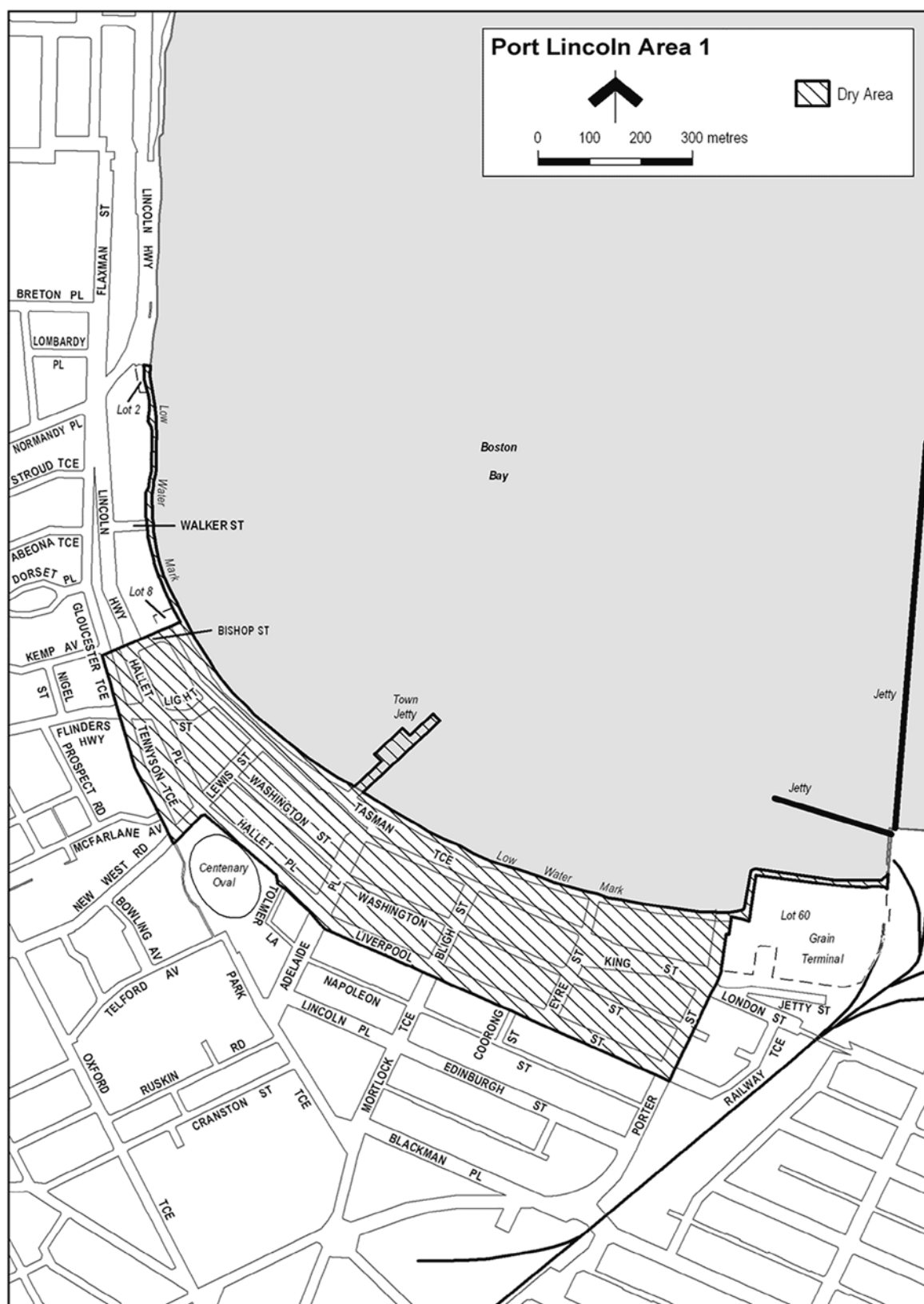
- West Coast Youth Services
- Port Lincoln Aboriginal Community Council
- Regional Development Australia
- City of Port Lincoln.

5.2. A Majority decision by the Dry Zone Exemption Assessment Panel will provide a recommendation for Council's consideration.

5.3. An authorisation for a dry zone exemption may be granted subject to conditions.

**6. RELEVANT DELEGATED POWERS AND DUTIES**

Any actions or decisions made regarding this policy will be enacted upon as per Council's current Delegations Register.



**Made by the Attorney General**

on 30 June 2018